# THE CASE

Of the People called

# QUAKERS,

Relating to

## Oathes and Swearing,

Presented

To the Serious Consideration

OF THE

# KING

And both *Houses* of

# PARLIAMENT.

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Mus

A. H. Clark Ap. 11, 1916 $ 2.87

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THIS not unknown that in this Nation, for Twenty or Thirty Years last past, under the various Revolutions of Government we have been a suffering People; and although our peaceable behaviour under the Governors and Magistrates thereof has not been only evident to our Friends, but even our Enemies; yet the Covenants, Engagements,

Abjurations and Oaths which every Intereſt before you have thought good to provide and impoſe upon the People, in hopes to eſtabliſh their own ſafety, has been of all other the greateſt Snare unto us, who ſince the Lord firſt raiſed us up in theſe Nations, could not Swear at all, and the Oaths Provided to Teſtifie Allegiance to the King, and deny all of the Popes Supremacy in Cauſes Civil and Eccleſiaſtical, the refuſal whereof incurrs a Premunire, has been executed upon ſuch whoſe hearts and hands could ſeal to the ſubſtance thereof, and whoſe practice hath teſtified their Allegiance to the King, and principles of denying the Pope, yet their Conſciences not allowing them to Swear at all (becauſe of the Command of Chriſt) for that only they have been the ſole Sufferers thereby, witneſs the many Hundreds of us that have been Premunired and ſuffered many Years, ſome ten Years and upward.

wards imprisonment, besides confiscation of Goods, and forfeiture of Estates and Liberty; yea many Hundreds, have dyed in Prison, when such against whom this Oath was directed and intended, have not felt the least Penalty thereof, as most Countries throughout this Nation can bear witness.

Now we being in the Sight of God and Men clear in our Principles and Practices, as well of all Conspiracies against the King, as Adherents to the Pope and his Religion (which Root and Branch we absolutely deny) and abominate; we cannot but press you to a weighty Consideration of our State and Condition, that after so long experience of our Innocency and tedious Suffering, we may be eased of this Snare and heavy Burthen, which has so long been our Lot and Portion.

And though it may to you, and many more (in these Dayes) seem strange, that in this or any other Case

we cannot ſwear at all, though it has been to the apparent Ruine of many in their Eſtates and Liberties; yet in this have we had Peace with the Lord, it being what he requires at our Hands, and in good Conſcience towards God, and Obedience to the expreſs Commands of Chriſt, and Doctrine of the holy Apoſtles, and not in Contempt of the King or Government are we found in this Practice; God who is the Searcher of Hearts knows, that its with holy Reſpect to the Reputation of Chriſtianity, and the Evangelical Diſpenſation of Truth and Righteouſneſs, (which exceeds that of the Law, and the ſolemn Oaths thereof) and to Chriſt's expreſs Prohibition in that Caſe, which is, *Swear not at all, neither by Heaven, or by Earth, &c. NOR BY ANY OTHER OATH; but let your yea be yea, and your nay be nay, leſt you fall into Condemnation,*

Math. 5. 33, 34.

*sion, Jam.* 5. 12. So though it was allowed in the Law, Christ and his Apostle forbid it in his Gospel.

And that we are not the only Asserters of this Doctrine since the Dayes of Christ and the holy Apostles, we have of many more given some Instances and Testimonies of such primitive Christians, Martyrs and Fathers, who were of the same Mind and Judgment with us in this Case, and suffered in their Day by the *Heathens*, Popes, and Popish Cruelty for the same.

*Example* 1.

*Policarpus* a Martyr for the *Christian* Faith, who is said to be a Disciple of *John* the Evangelist, and an Overseer or Bishop in *Smirna*, being apprehended and brought before the *Proconsul* of *Smirna*, was demanded to Swear *by the Emperors good Fortune*, or *Cæsar's Prosperity* (which

Ex Euseb. Hist. Eccl. l. 4. c. 15.

(which was then their national Oath) he absolutely denyed, saying, *He was a Christian*: But said the *Proconsul*, take thine Oath and I will discharge thee; defie Christ (who said swear not) *Policarpus* answered, 86. *Years have I been his Servant, yet in all this time he never hurt me:* so denying to swear, which was then a Mark of Distinction; and alledging in lieu thereof that he was a *Christian*, was committed to the Flames, *Fox. Acts & Mon. Vol.* 1. *Fol.* 55.

Anno Christi 162.

*Example* 2.

*Pontius* a Youth of 15. Years old, and *Blandina* a Woman, who both endured great Torments, and at last Death by the *Heathens* in *France* in the Reign of *Antonius Verus* about *Anno* 179. refused to Swear, being often urged.

Euseb L. 5. ca. 10.

*Example*

*Example* 3.

*Basilides* a Souldier, and of Authority in the Roman Hoſt, being required to give an Oath in a Matter concerning his Fellow-Souldiers, denyed to do it, plainly affirming, *He was a Chriſtian*; for which he ſuffered Death about *Anno Chriſti* 205. *Fox. Mon.* 1 Vol. Fol. 71. Euſeb. Lib. cap. 5.

*Example* 4.

In the *Plow-Man's Complaint* is this amongſt many others, viz. 'Lord thou 'giveſt us a Commandment of Truth 'in bidding us ſay, yea, yea, nay nay; 'and Swear for nothing but Lord, 'he that calleth himſelf thy Vicar on 'Earth (viz. the Pope) hath broken 'thy Commandment; for he makes a 'Law to compel Men to Swear.

*Example*

*Example* 5.

*John Wickliff*, that eminent Oppoſer
King Ric. 2. of the Popiſh Doctines and
Anno 1384. Traditions, who was by the Pope and his Officiaries 41. Years after his deceaſe pronounced a Heretick, and his Bones, and Books being 200. Volumns were burned, for aſſerting & promulging heretical and damnable Doctrines againſt their then holy Church, &c. as was alledged, was articled againſt, amongſt other Doctrines, for holding forth, 'That all 'Oaths which be made for any Con-'tract or civil Bargain betwixt man 'and man were unlawful, *Fox. Acts* and *Mon.* 1 Vol. Fol. 587.

1 *Obſ.* Of whoſe Learning and good Life the Univerſity of *Oxford*, *Anno* 1406. give a publick Teſtimony a-
Ex 2 tom. operum Jo. Huſſi. Fol. ult. mongſt other things aſſerting, that all his Conditions and Doings throughout this whole

whole Life to have been moſt ſincere and commendable.

2. *Obſer. John Huſſe* and *Ferom* of *Prague* were alſo publick Aſſertors of his Doctrine, and Vindicators of his Principles againſt the *Papiſh*, for which they were condemned by them as Hereticks.

*Example* 6.

*Will. Swinderly* within the Dioceſs of *Lincoln* perſecuted by the *Papiſh* for holding Heretical Opinions; the 14th. Article againſt him was, that he ſhould ſay, 'That no Man ought to ſwear 'for any thing, but ſimply without an 'Oath to affirm or deny; and if he 'ſwear, he ſins, *Fox. Acts* and *Mon.* 2 Vol. fol. 614. K. *Ric.* 2. Anno. 1389.

To which, or to the Subſtance thereof he declares his Mind and Opinion in his Appeal from the Biſhops Sentence to King *R.* 2. and his Counſel, in

in these Words, 'Whereas Christ's 'Law forbids Swearing, the Pope's 'Law justifieth Swearing, and compels Men thereto, *Fox. Mon.* 1 Vol. fol. 613.

*Example* 7.

The general received Doctrine by the poor *Christians* in this Nation, in which if they persisted, they were condemned as Hereticks, and if to avoid the Flames which Popish Cruelty then inflicted, they must openly declare and renounce and abjure this their Opinion amongst others, 'That neither the Pope, nor 'the Prelate, neither any other Ordinary can compell any Man to swear 'by any Creature of God, or by the 'Bible-Book, *Fox Acts* and *Mon.* 1 Vol. fol. 687.

K. Hewd. 4.

*Example* 8.

*William Thorp* being a Prisoner for Op-

King Henr. Ann. 1407.

Oppoling the Popiſh Doctrine, was brought before *Tho. Arundell*, Arch Biſhop of *Canterbury*; and after his Charge of being an Heretical Perſon, was requir'd to kneel down, and lay his Hand upon a Book, and kiſs it, &c. To which he anſwers, 'If after your bidding, I 'ſhall lay my Hand upon the Book, to 'what Intent? to Swear thereby? the 'Arch Biſhop ſaid to him, *Yea, wherefore elſe?* Upon which *Thorp* reply'd, 'Sir, a Book is nothing elſe but a thing 'coupled together of divers Creatures; and to Swear by any Creature, both God's Law and Man's is 'againſt it, *Fox, Act. & Mon.* 1 vol. fol. 689, 690.

One Article againſt *William Thorp*, was, 'That the third Sunday after *Eaſter*, Anno 1407. in the Town of *Shrewsbury*, and through leave granted him to preach, he ſaid openly in St. *Chads* Church in his Sermon, *viz.*

'That

'That it is not Lawful to Swear in a-
'ny Caſe, fol. 692.

And being again demanded to kneel down, and touch the Holy Goſpel-Book, and kiſs it, ſaying, *So help me God, and this holy Doom*——he argueth largely againſt it, concluding thus, 'Therefore to Swear upon a Book, is to 'Swear by Creatures, and this Swear-'ing is ever unlefull, fol. 701.

Adding further, 'This Sentence 'witneſſeth *Cryſoſtom* plainly, blaming 'them greatly that bring forth a Book 'to Swear upon; Charging Clarks, 'That in no wiſe they Conſtrain any 'Body to Swear, whether they think 'a Man to ſwear True or Falſe.

'And the Arch Biſhop menaced me 'with great Puniſhment and ſharp, ex-'cept I left this Opinion of Swearing, fol. 701.

Again, the ſaid *William Thorp* being demanded of the ſaid Popiſh Biſhop, What he underſtood of that Saying of *Chryſoſtom*, That it is a Sin

to

to Swear well—he answers, 'Full 'many Men and Women now say, 'That it is well done to Swear, by 'God, by our Lady, and other Saints, 'to have them in mind; but since all 'these Sayings are but Excuses and 'Sin, me thinketh that his Sense of '*Chrysostom* may be alledged against 'all such Swearers, fol. 702.

*Example* 9.

*Elizabeth Young*, who was brought to Examination in the *Marian* dayes, before the *Catholick Inquisitors of Heretical Pravity*, as they then called themselves; where to enforce her to Swear, this Language was used to her. Anno 1558. *Fox* Act. & Mon, vol. 3. fol. 910.

Dr. Martin, '*Thou shalt be racked* '*Inch meal, thou Traytorly Whore and He-* '*retick*; *But thou shalt Swear before a* '*Judge before thou go.*

*Eliz. Young*, 'Sir, I understand

'not what an *Oath* is, and therefore I 'will take no ſuch thing upon me.

Dr. Martin, '*She refuſeth to* Swear '*upon the Four Evangeliſts be-*
Fol. 911. '*fore a Judge; for I my ſelf,* '*and Mr.* Huſſey, *have had her before us* '*Four Times, but we cannot bring her to* 'Swear.

Then ſaid the Biſhop, '*Why wilt* '*thou not* Swear *before a Judge, &c.*

*Eliz. Young,* 'My Lord, I will not '*Swear* that this Hand is mine.

'*No,* ſaid the Biſhop, *and why?*

*Eliz. Young,* 'Chriſt ſaith, *That whatſoever is more then* Yea yea, *or* Nay, nay, *it cometh of Evil.*

Then *Dr. Cook* brought her a Book, commanding her, *To lay her Hand thereon.*

*Eliz. Young,* 'No my Lord, I will 'not *Swear.* And ſo ſhe perſiſted till God delivered her out of their Hands.

*Example*

*Example* 10.

The *Waldenſes*, whoſe Names are famous in the reformed Churches, and were the moſt antient and true *Proteſtants*, profeſſed it to be *no way lawfull for a Chriſtian to ſwear.*

In defence of whom Biſhop *Uſher*, late Biſhop of *Armagh*, Primate of *Ireland*, pleaded their Cauſe againſt Swearing, and againſt the *Papiſts* and *Jeſuits*, who were Swearers. In his Book de Succeſ. cap. 6.

*Example* 11.

The Chriſtian *Proteſtants* in the Valley of *Piedmont*, who were cruelty tortured to Death by the *Papiſts*, about Anno 1655. one Article alleadged againſt them, was, 'That they believ'd 'it was not lawful to Swear any thing 'be it true or falſe. *Morland* hiſtory. p. 217. and 218.

*Example* 12.

*Eraſmus* in his Paraphraſe on *Mat.* 5. 34. doth in the name of Chriſt utterly condemn all manner of Oathes, ſaying " It is not lawfull to Swear by 'God; ye need none Oath, ye need no 'Excration or Curſing, two words be 'ſufficient, nay and yea: There is no 'man leſs bound with his ſimple and 'bear word, then the Jew by Swea-'ring; he that Sweareth, either he 'thinketh ill of him to whom he 'Sweareth, or elſe he that requireth 'the Oath doth diſtruſt; but none of 'theſe ought to be in you whom I ut-'terly forbid Swearing, &c. the like Paraph he hath on *Jam.* 5. 12.

Plato, *Let an Oath be abſent from every one; let none Swear himſelf, and let him not require an Oath of another.*

*Meander*, 'Fly an Oath 'although thou mayſt 'Swear juſtly.

*Antonius*,

*G. Biſh.* Looking-Glaſs for the times.

*Antonius, Epiſt. 2. to Swear or ſpeak falſly is the ſame.*

*Heſiod, in his Theogonia* placeth an Oath among the brood of Contention 'An 'Oath greatly hurteth men, p. 88. 'when juſtice appears among men, 'then Swearing vaniſhes, p. 13.

*Theognis*, 'There ought to be no ſuch 'thing as to Swear, neither ought he 'to Swear this or any thing, *ver.* 660.

*Example* 13.

*Auguſt.* in *Pſa.* 88. 'It is well that God 'hath forbidden man to Swear leſt by 'cuſtom of Swearing (in as much as 'we are apt to miſtake) we commit 'Perjury: There's none but God can 'ſafely Swear, becauſe there's no other 'but may be deceived.

*Auguſt. de Mendacio*, 'I ſay unto you 'Swear not at all, leſt by Swearing 'ye come to a Facility of Swearing; 'from a Facility to a cuſtome; and 'from a cuſtome ye fall into a Perjury.

There

There was a people in the Province of *Albi* in *France*, Anno, 1176. who were greatly envied by the *Pope, held that it was unlawful to Swear.*

*Ban. An.* 1310. nu. 3.

*Example* 15.

*Michiel Sadler* (an aminent man, called a Lord) was cruelly tortured and put to Death by the *Papists* under the Emperor of *Germany*, whose brethren were also Executed with the Sword, and his Wife and Sisters drowned, *Anna* 1527. One Article alleadged against him was, 'that he had said, That men should not 'Swear to, or before the Magistrate.

*W. C. Albridy* pag. 193, 194; and 195.

*Example* 16.

*Ferom* saith, '*Evangelica veritas non recipit Juramentum*; The Gospel Truth admits not of an Oath.

*Example* 17.

*Example* 17.

*Chriſoſtom* ſaith 'Non oportet ut vir 'qui evangelice vivit juret omnino; 'It behoveth not that the man who 'lives according to the Goſpel ſhould 'Swear at all.

*Example* 18.

*Juſtin Martyr*, 'Chriſtians ought 'not to Swear at all.

Charge againſt *Walter Brute*, that he Aſſerted,

'Item, *That it is not Lawful for* 'Chriſtians *for any Cauſe* 'in any Caſe, *to* Swear *by* 'the Creator, *neither by* 'the Creature.

*Fox* Mon. 1 vol. fol. 623. K. R. 2.

*His Anſwer.*

'As concerning *Oaths*, I believe and 'obey the Doctrine of Al- 'mighty God, and my Ma- 'ſter Jeſus Chriſt, which teaches, that

pag. 655.

Chriſt-

'Christian-Men in Affirmation of a
'Truth, should pass the Righteous-
'ness of the *Scribes* and *Pharisees* of the
'Old Testament, or else he excludes
'them from the Kingdom of Heaven;
'for he saith, *Unless your Righteousness*
'*exceed the Righteousness of the* Scribes
'*and* Pharisees, *ye cannot enter into the*
'*Kingdom of Heaven.* And as concer-
'ning Oaths, he saith, *It hath been said*
'*to them of Old Time, Thou shalt not* For-
'swear thy self; *but shalt perform unto*
'*the Lord those things which thou vowest:*
'*But I say unto you,* Thou shalt not *Swear*
'at all; *neither by the Heaven, nor yet by*
'*the Earth, &c, But let your Communica-*
'*tion be Yea, Yea, and Nay, Nay; for what so-*
'*ever shall be more then this proceeds of*
'*Evil.* Therefore as the Perfection of
'the Ancient Men of the old Testa-
'ment was, *Not to forswear themselves;*
'so the Perfection of Christian-Men
'is, *Not to Swear at all*, because they are
'so commanded of Christ, whose Com-
'mandment

'mandment muſt in no caſe be broken,
'although the City (or Church) of
'*Rome* is contrary to this Doctrine of
'Chriſt, even as in many things ſhe
'is found contrary to her ſelf.

And Chriſt ſaith in the Goſpel-times to the Church, *That by the Mouth of two or three Witneſſes every Word may be eſtabliſhed:* Mat. 28. 17. and this Chriſt ſpake in matter of differences, that might happen among *Chriſtians*; but ſaid nothing of an Oath, for *Oaths* he forbad before.

And we cannot give forth a better Form of Words to teſtifie the Truth, then that which Chriſt our Saviour hath laid down, which is, *Let our yea be yea, and nay nay*, which the Apoſtles, Fathers and Martyrs preached, practiced and ſuffered for; and if we are called to bear witneſs, or any Office or Service to and for the King or our Country, and teſtifie our Truth or Faithfulneſs to one or both,

in

in which Cases *Oaths* are usually required and imposed; we desire and request, that you would be pleased to enact or provide that instead & Place thereof (as the Cases may require) our *yea* and our *nay* may be accepted and taken; and if we break our *yea* or our *nay* which is Christs solemn Form of sound Words, and which is his Gospel-Command, which we stand to and for; then let us suffer the same Penalty as they that can swear and break their *Oaths*; for Christ ended all the true and solemn *Oaths* of the Law among the *Jews*, and denyed them, and sets up *yea yea*, and *nay* and *nay*, instead of *Oaths*, and above them, which (as said before) we stand to & for, who are a peaceable People, and have never forfeited our Liberty; and we ow and desire nothing but Good-Will to the King and his Subjects and all People, and desires his and their Good and Everlasting Prosperity.

*A Copy of an Order given forth by Authority in* Middlebrough, *in which may be ſeen their Moderation to Tender Conſciences in the Caſe of Refuſing to* Swear.

WHereas there hath been an Addreſs preſented unto his Excellency, in behalf of certain of the Inhabitants of the City of *Middlebrough*, wherein Complaint was made of the Magiſtrates of the ſaid City, who not long ſince cauſed the Shops of ſome of the ſaid Inhabitants to be ſhut up, and conſequently hath forbidden them Trading, though it be the only means to maintain their Families by; and this has been the Cauſe (to wit) *Their Refuſing the taking the accuſtomed Oaths*, as others have done: Yet neverthe'eſs it appears, that for certain Years paſt they have paid all *Taxes*, *Contributions* and *Cuſtoms* belonging to the City, even Equal with other Citizens and Inhabitants of the ſaid City (though they had never taken the ſaid *Oath*) and that willingly; and therefore ought they now to have their Liberty, without being moleſted

lested in this Particular, seeing they desire nothing else, then to live in the Enjoyments of the Liberty of their Consciences; in order to which this present War with the King of *Spain* was raised by his Subjects, and which now by the Help of God is come so far, that the aforesaid *Liberty of Conscience* is obtained; and therefore it would be an Evil Thing to take it away from these people, who through their *Paying of Taxes* and *Contributions*, and *Bearing of other Burdens* (besides the great Hazard of their Lives and Liberties) hath helped to obtain it. And it appears that these People have declared. *That they are willing to be Ruled according to the Ordinances of the City*; yet nevertheless, the Magistrates do and have striven with them about the *Oath*, which hath not only extended to the expelling them out of the City, but consequently to the forcing out of a Numberless Company of others in *Holland* & *Zealand*, with their Wives and Children, to their utter Ruin; and this would not tend to any Man's Profit, but on the contrary; it would be a great apparent Hindrance to these Lands, because Trading thereby over all Nations would greatly Decrease.

And

And foraſmuch as theſe People do profer, *That their* Yea *ſhall ſtand inſtead of an* Oath, *and the Tranſgreſſion thereof to be puniſhed as Perjured Perſons*; which thing his Excellency having taken into Conſideration, doth therefore with the Advice of the Governour and Council of *Zealand* Ordain and Confirm, and by theſe Preſents be it Ordained and Confirmed, That the People's *Yea* aforeſaid ſhall ſtand inſtead of an *Oath* before the Magiſtrates of the aforeſaid City; and that the Tranſgreſſors of the ſame ſhall be puniſhed, as Forſwearers and Perjured Perſons. Moreover, his Excellency doth Charge aud Command the Magiſtrates of *Middlebrough*, with all others whom it doth concern, for the future, Not to burden theſe People aforeſaid any further with the *Oath*, but that they ſhall open their Shops, and follow their Trading, as formerly they have done.

This was given forth in his Excellency's Name, and under his Seal, in the City of *Middlebrough* in *Zealand*, the 26th of *January*, 1577.

THE END.